

Minutes

Bar Harbor Town Council

December 18, 2007

- I. **CALL TO ORDER – 7:00 P.M.**
 - A. **Excused Absence(s)** - None
- II. **APPROVAL OF MINUTES – December 4, 2007** – Mr. Paradis, with second by Ms. Schloss, moved to approve the minutes of December 4, 2007 as presented. Motion passed 7-0.
- III. **ADOPTION OF AGENDA** – Mr. Paradis, with second by Mr. Smith, moved to adopt the agenda as presented with the exception of adding an item as item A(1) titled: **Cruise Ships** – Request of Cruise Maine that Council send a letter to the U.S. Customs and Border Protection Service in opposition to proposed regulations restricting foreign flagged vessel access to domestic ports. Motion passed 7-0.
- IV. **FINANCIAL STATEMENTS** (*delayed by audit*)
- V. **PUBLIC HEARINGS:**
 - A. **Special Amusement Permit Renewal - Little Anthony's, 131 Cottage Street** request of Gregory Noble for a Class 3ad, three or more musicians with mechanical amplification and dancing. – There being no comments from the public, Mr. Smith, with second by Mr. Paradis, moved to approve Little Anthony's Special Amusement Permit Renewal as requested. Motion passed 7-0.
- VI. **REGULAR BUSINESS:**
 - A. **Shellfish Conservation Closure** – *Request of the Marine Resources Committee for a shellfish conservation closure to harvesting from Hadley Point east to Emery Cove, due to low clam counts.* – Following discussion, Mr. Paradis, with second by Mr. Smith, moved to schedule a public hearing for January 15, 2008 for a Shellfish Conservation Closure to harvesting from the east side of the tip of Hadley Point east to the eastern most point of Leland Cove as recommended by the Marine Resources Committee. Motion passed 6-1 (Nay: Ms. Schloss).
 - A1. **Cruise Ships** – *Request of Cruise Maine that Council send a letter to the U.S. Customs and Border Protection Service in opposition to proposed regulations restricting foreign flagged vessel access to domestic ports.* - Following a brief discussion, Mr. Paradis, with second by Mr. Smith, moved to direct staff to comment to the U.S. Customs and Border Protection Service and, our federal legislative delegation, in opposition to proposed regulations restricting foreign flagged vessel access to domestic ports as proposed in the sample letter provided. Motion passed 7-0.

- B. Cable TV: Public Access Channel** – *Request of the Communications Technology Task Force for adoption of a Cable Television Public Access Policy.* – Following comments, Mr. Paradis, with second by Mr. Jordan, moved to adopt the Cable TV Public Access Policy as suggested by the Communications Technology Task Force and amended by the Town Manager effective immediately. Motion passed 7-0.
- C. Economic Development Task Force** – *Discussion and possible action to determine task force membership.* – Following discussion of business owners of past and present be identified as the resident member for the downtown district and Town Hill district, Mr. Paradis, with second by Mr. Veilleux, moved to endorse the Economic Development Task Force Membership as presented in the Planning Director's memo to the Town Manager dated December 14, 2007 and amended by Councilor Paradis, to request staff to advertise for members, and return to the next Council meeting with draft bylaws incorporating the adopted membership criteria. Motion passed 4-3 (Nay: Ms. Eveland, Mr. Garland, Ms. Schloss).
- D. Town Meeting: June 2007** – *Request of the Town Manager for approval of a timeline to be used for preparation of Land Use Ordinance amendments for the June Primary Election.* – It was duly noted to amend the timeline to read 2008 and to amend the date of the first Council meeting in April to read the first. Mr. Smith, with second by Mr. Paradis, moved to adopt the Land Use Ordinance Amendment Timeline for the June 10 Annual Town Meeting as amended. Motion passed 7-0.
- E. School Reorganization** – *Status report by Council representative Bob Garland.* – School board member Brian Hubbell was in the audience and gave a brief report of the RPC thoughts of their denied Consolidation Plan. Their next step was to take a wait and see approach until they hear their attorney's review of the situation, understand the political situation, and monitor the proposed legislative amendments to the school consolidation plan. Councilor Bob Garland requested a letter of support for the RPC approach as a result of the Department of Education denial. Mr. Smith, with second by Ms. Eveland, moved that the Council is in accord with the RPC and supports their efforts. Motion passed 7-0.
- F. Cruise Ship Study Task Force** – *Status report by Council representative Paul Paradis.* – Council representative Paul Paradis reported the task force met and set a schedule of meetings, and established a list of priorities as directed by Council. It was of Council's general consensus to approve the list of priorities as outlined in Councilor Paradis' memo dated December 12, 2007.
- G. Mutual Aid** – *Review and possible approval of a mutual aid agreement with MDI area towns.* – Mr. Paradis, with second by Ms. Schloss, moved to adopt the League of Towns' Administrative Mutual Aid Agreement dated October 25, 2007, authorize the Town Manager to sign said agree-

ment and poll the League of Towns if they wish to seek legal review of the document. Motion passed 7-0.

H. Boards & Committees – Schedule for reporting to Council. - Mr. Paradis, with second by Mr. Smith, moved to adopt the Board & Committee Reporting Schedule dated December 14, 2007 as presented and amended by Councilor Paradis. Following much discussion, Mr. Smith moved the question. Motion passed 4-3 (Nay: Ms. Eveland, Mr. Garland, Ms. Schloss). The main motion passed 5-2 (Nay: Mr. Garland, Ms. Schloss).

**I. Appointment of Statutory Officers – Possible reappointment of those of-
ficials required by statute to be reappointed, all terms to expire December
31, 2008 unless otherwise indicated.**

1. Code Enforcement Officer – Angela Chamberlain
2. Alternate Code Enforcement Officer – David Rand
3. Building Inspector - Angela Chamberlain
4. Alternate Building Inspector – David Rand
5. Local Plumbing Inspector – Angela Chamberlain
6. Electrical Inspector - Angela Chamberlain
7. Alternate Electrical Inspector – David Rand
8. Local Health Officer – John Lennon
9. Registrar of Voters expiring January 1, 2009 – Patricia Gray
10. Shellfish Warden expiring March 1, 2009 – Charles Phippen

Mr. Smith, with second by Mr. Paradis, moved to confirm the Town Man-
ager's appointment of the slate of Statutory Officers as presented and to
record the slate in the minutes of this meeting. Motion passed 7-0.

**J. Cell Phone Tower Lease – Request of Verizon Wireless to lease antennae
space on the Fire Station roof.** – Discussion was deferred to item VIII.,
Executive Session.

K. Treasurer's Warrant – Request of Treasurer to authorize paid bills. –
Mr. Smith, with second by Mr. Paradis, moved to sign the Treasurer's
warrant for paid bills. Motion passed 7-0.

VII. COUNCIL COMMENTS AND SUGGESTIONS FOR NEXT AGENDA

Mr. Garland wished everyone a happy holiday.

Ms. Schloss thanked Public Works plowing crew for putting in such long
hours during the latest flurry of storms.

She briefly expressed her issue of discrimination to find items on the council
table that come from fellow councilors via email, noting that not everyone has
email, and that email is not the only means of communication. She would like
to discuss this issue at the next Council meeting.

She, too, wished everyone a happy holiday.

Mr. Paradis wished everyone a Merry Christmas and a happy holiday.

He requested an agenda item in the near future for a quick evaluation of the need for each Board and Committee.

Mr. Veilleux requested for the next agenda to review the dates of winter parking ban for 2009.

He also thanked The Merchant Association for the festive holiday environment they provided the Town and for everyone during the season.

Mr. Jordan also wished everyone Merry Christmas and a happy holiday.

He acknowledged the recent receipt of payment in lieu of taxes from the College of the Atlantic and the MDI Housing Authority.

He also expressed the idea of the boards and committees reporting process as a positive one to help encourage members.

Mr. Smith inquired as to what project was going on at the head of the island. Staff reported the road clearing was for a new Jehovah Witness church.

VIII. MATTERS FOR POSSIBLE EXECUTIVE SESSION:

A. Cell Phone Tower Lease – *Request of Verizon Wireless to lease antennae space on the Fire Station roof. Consideration of the acquisition or disposal of real property or rights therein. (To be held in executive session as permitted by 1 MRSA 405.6.C, since premature disclosure of this information would prejudice the competitive or bargaining position of the Town.)* – Mr. Smith, with second by Mr. Garland, moved to go into executive session, following a brief adjournment, for discussion of the disposal of real property rights, as permitted by 1 MRSA 405.6.C, since premature disclosure of such information would prejudice the competitive or bargaining position of the Town. Motion passed 7-0. The Council entered into executive session at 9:06 p.m. and came out of executive session at 9:31 p.m. Mr. Paradis, with second by Mr. Smith, moved to authorize the Town Manager to negotiate terms with Verizon with Verizon Cellular for a potential cellular antennae site lease for an antennae on the Fire Station roof . Motion passed 7-0.

IX. ADJOURNMENT – Mr. Smith, with second by Mr. Paradis, moved to adjourn at 9:32 p.m. Motion passed 7-0.

Paul Paradis, Secretary